



101 Rec'd PCT/PTO 05 JUN 2000  
09/284806

Express Mail No.: EL 501 632 617 US

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wrigley et al.

Initial Patent Examination Division

Application No.: 09/284,806

Attorney Docket No.: 9993-018  
(formerly 117-284)

Filed: April 21, 1999

For: Cytokine Production Inhibitors

RECEIVED

11 OCT 2000

Legal Staff  
International Division

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR,  
IN THE ALTERNATIVE, PETITION TO REVIVE UNAVOIDABLY  
ABANDONED APPLICATION OR, IN FURTHER ALTERNATIVE,  
PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the improper "Notification of Abandonment Under 37 C.F.R. §1.53(f) or (g)" (PTO form 1666) mailed January 6, 2000, in connection with the above-captioned application. For the reasons set forth herein the Petition should be granted and the Notification of Abandonment withdrawn.

06/08/2000 EHAMMOND 00000107 161150 09284806

01 FC:140 110.00 CH

**I. FACTS**

On January 10, 2000, Attorneys for Applicants received a "Notification of Abandonment under 37 C.F.R. §1.53 (f) or (g)" dated January 6, 2000, which stated that the above-identified application was abandoned for failure to respond to a Notification of Missing Requirements ("Missing Requirement Notification") which was allegedly mailed by the Patent and Trademark Office on June 9, 1999. However, the Attorneys for Applicants, Nixon & Vanderhye, P.C., never received the Missing Requirement Notification.

Adjustment date: 06/08/2000 EHAMMOND  
06/07/2000 EHAMMOND 00000107 161150 09284806  
02 FC:115 110.00 CR

NY2 - 1087432.

06/07/2000 EHAMMOND 00000107 161150 09284806  
1210-00 CH  
110-00 CH  
01 FC:141  
02 FC:115

Attorneys for Applicants investigated the fileroom and mailroom records to determine whether Nixon & Vanderhye, P.C. had ever received the Missing Requirement Notification. The Missing Requirement Notification dated June 9, 1999 was not and has still not been received by the Attorneys for Applicants.

## II. DISCUSSION

The Applicants submit that the abandonment resulted from non-receipt of an office communication, and thus was unavoidable and unintentional. It is submitted that the facts of this case show that the abandonment took place solely due to either failure of the U.S. Patent and Trademark Office to duly mail the Missing Parts Notice or failure of the United States mail. The Attorneys for Applicants never received the Missing Requirement Notification when and if mailed. A response to the Missing Requirement Notification was not filed because the Applicants did not know that a Missing Requirement Notification was issued and outstanding. Indeed, a response could not have been filed under these circumstances.

## III. CONCLUSION AND PRAYER FOR RELIEF

It is respectfully submitted that the abandonment resulted from non-receipt of an office communication. The Applicants hereby petition for withdrawal of the holding of abandonment and request that a new Notification of Missing Requirements be mailed for the above-identified application. M.P.E.P. §§ 711.02, 711.03(c).

In the event that this request is not granted, the Applicants hereby petition to revive the unavoidably abandoned application under 37 C.F.R. § 1.137(a); in such case, please charge the \$110.00 petition fee (§ 1.17(1)) to the Associate Attorneys for Applicants' Deposit Account No. 16-1150.

In the event that this request is not granted and it is held that the abandonment was avoidable, the Applicants hereby petition to revive the unintentionally abandoned application under 37 C.F.R. § 1.137(b); in such case, please charge the \$1,210.00 petition fee (§ 1.17(m)) to the Associate Attorneys for Applicants' Deposit Account No. 16-1150.

If any fees are required in connection with the filing of this Petition, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate copy of this paper is provided.

Respectfully submitted,  
Associate Attorneys For Applicant

Date: June 5, 2000

  
Laura A. Coruzzi 30,742  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure